



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Voices College Bound Language Academics
Inland Empire Resource Conservation District

STATE:

California Governor's Office of Emergency
Services (CAL OES)
Department of Motor Vehicles
Department of Food and Agriculture

A written comment period has been established commencing on August 23, 2019 and closing on October 7, 2019. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than October 7, 2019. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING
COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-5854.

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-5854.

**TITLE 4. CALIFORNIA
ALTERNATIVE ENERGY AND
ADVANCED TRANSPORTATION
FINANCING AUTHORITY**

The California Alternative Energy and Advanced Transportation Financing Authority (the “Authority” or “CAEATFA”), organized and operating pursuant to Division 16 (commencing with Section 26000) of the California Public Resources Code (the “Act”) — pursuant to the authority vested in it by the Public Resources Code Section 26009 to promulgate regulations and Public Resources Code Section 26011 to provide financial assistance to a participating party, and acting pursuant to the Memorandum of Agreement (“MOA”) between CAEATFA and the California Public Utilities Commission (“CPUC”) which sets forth the policies and procedures for establishment of a series of ratepayer-funded pilot programs as authorized and described in the initial CPUC-approved Decision 13-09-044, Decision Implementing 2013-14 Energy Efficiency Financing Pilot Programs (the “Decision”), issued September 20, 2013 and subsequent CPUC actions¹ — proposes to amend the Commercial Energy Efficiency Financing Program regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Authority proposes to amend Title 4, Division 13, Article 6, Sections 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, and 10092.14 of the California Code of Regulations concerning the implementation of the Commercial Energy Efficiency Financing Program (“SBF Program” or “Program”).

The Authority has solicited stakeholder input on Program design since January 2015, when it held a Stake-

holder Roundtable covering financing products. The Authority held two subsequent public forums in 2016, seeking input on Program design and financing parameters. On March 29, 2017, the CPUC issued Decision 17-03-026 which granted the Authority greater flexibility with regard to Program design and structure than previous guidance documents and requirements. As a result, CAEATFA staff determined that it would be most effective to make modifications to the Program, integrating structural changes intended to improve Program reach and impact.

Staff began the initial regulation drafting process in late 2017, and conducted additional public workshops seeking input on the revised Program design in April and October 2018, each followed by 10-day public comment periods. Initial regulations under the emergency rulemaking process were approved by the CAEATFA board on November 13, 2018, and subsequently approved by OAL on December 17, 2018 (File No. 2018-1207-02E).

On March 13, 2019, CAEATFA submitted to OAL non-substantive changes without regulatory effect, which were approved by OAL on April 4, 2019 (File No. 2019-0313-02N). The changes without regulatory effect conform the Commercial Energy Efficiency Financing Program regulations to the subdivision hierarchy numbering system used by CAEATFA in all of its other regulations.

In order to incorporate early lessons learned from Program implementation, and allow adequate time for the regular rulemaking process, Authority staff proposed re-adopting the emergency regulations with modifications. The key changes included:

- Changing the Origination qualifications for non-Financial Institution Finance Provider Entities from 50 to 20 and the dollar amount originated from \$50 million to \$20 million;
- Changing the minimum required general liability insurance policy limits from \$2 million to \$1 million for Finance Provider Entities, Participating Project Developers, and Participation Contractors;
- Clarifying that a final project invoice can be presented to the finance company rather than, or in addition to, the finance customer; and
- Streamlining forms and removing requests for data that were no longer necessary.

For the re-adoption of emergency regulations with modifications, CAEATFA made publicly available the proposed modified emergency regulations, held stakeholder discussions soliciting input, and conducted a public workshop, followed by a 10-day public comment period. The Authority board approved the re-adoption of emergency regulations with modifications

¹ CPUC has issued additional decisions and rulings addressing issues related to the implementation of the pilot programs, including: D. 15-06-008, D. 15-12-002, and D. 17-03-026.

on May 21, 2019, and OAL approved the re-adoption on June 18, 2019 (File No. 2019-0603-02EE).

This current rulemaking action is substantively similar to the previous rulemaking actions under the emergency rulemaking process (File No. 2018-1207-02E, 2019-0313-02N, and File No. 2019-0603-02EE).

PUBLIC HEARING

A public hearing regarding the regulations is scheduled from 10:00 a.m. until business is concluded on Tuesday, October 8, 2019, at 801 Capitol Mall, Room 141, Sacramento, California 95814. Any additional public hearings will be publicized on CAEATFA's Listserv and on the Authority's website located at <https://www.treasurer.ca.gov/caeatfa/cheef/sblp/index.asp>. To register to participate for the public hearing via webinar, click the link below:

<https://zoom.us/webinar/register/ab1474df474a2ee6cde7dc3c8da9331e>

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the regulations to the Authority. **The written comment period on the regulations ends on Tuesday, October 7, 2019.** Public comments may be submitted during the public workshop. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority.

In the event that substantial changes are made to the regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified, are made available to the public pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AUTHORITY AND REFERENCE

Authority: Public Resources Code Section 26006 and 26009. Section 26006 and 26009 of the Public Resources Code authorizes the Authority to adopt necessary regulations relating to its authority established by the Act, and Public Resources Code 26011 establishes the authority to provide financial assistance to a participating party.

Reference: Public Resources Code Sections 26002, 26002.5, 26003(a)(3)(A), 26003(a)(6), 26003(a)(7)(A), 26003(a)(8)(A), 26011 and 26040. On September 19, 2013, the CPUC approved Decision 13-09-044, and requested the Authority act as the master administrator of the California Hub for Energy Efficiency Financing ("CHEEF"), funded by ratepayer funds collected by the four investor owned utilities — Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Edison Company, and Southern California Gas Company (collectively the "IOUs"). CAEATFA's purpose is to advance the State's goals of reducing the levels of greenhouse gas emissions, increasing the deployment of sustainable and renewable energy sources, implementing measures that increase the efficiency of the use of energy, creating high quality employment opportunities, and lessening the State's dependence on fossil fuels. The Authority's statute enables it to provide financial assistance to various participating parties that carry out eligible projects. In July 2014, CAEATFA received initial Legislative budget authority to administer the CHEEF functions, and subsequently entered into a Memorandum of Agreement with the CPUC and a receivables contract with the IOUs to implement the CHEEF.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the California Alternative Energy and Advanced Transportation Financing Authority and authorizes the Authority to provide "financial assistance" to "participating parties" for the implementation of "projects" as those terms are defined in Public Resources Code Section 26003. A Memorandum of Agreement between CAEATFA and the CPUC sets forth the policies and procedures for establishment of a series of ratepayer-funded pilot programs as authorized and described in the CPUC-approved Decision 13-09-044, Decision Implementing 2013-14 Energy Efficiency Financing Pilot Programs, and associated governing actions.

Primarily, the pilot programs are intended to attract a greater amount of private capital to the energy efficiency retrofit market by reducing risk to finance companies; broadening the availability of financing to individuals and businesses who might not have been able to access it otherwise; and addressing the upfront cost barrier to energy efficiency retrofit projects. The SBF Program launched in May 2019.

These proposed regulations establish the rules, process and procedures for the Commercial Energy Efficiency Financing Program, including the eligibility and evaluative criteria financing agreements must meet in order for Eligible Financing Agreements to qualify

and receive a Loss Reserve Contribution. These regulations also address the eligibility and evaluative criteria of Projects and of contractors performing the installation of Scopes of Work. These regulations are the result of stakeholder comments obtained during public workshops and the regulation review process outlined above.

Section 10092.1. Definitions.

This section defines terms commonly used throughout the regulations and Program documents. The definitions provide detail on Program requirements and terminology related to the measures, financing, and participating entities within the Program. In certain instances, the Authority has defined terms which are common in the industry but can be interpreted in many different ways, such as “Distributed Generation” and “Demand Response”. In other instances, terms are defined to improve clarity, avoid unnecessary repetition, and to improve consistency throughout the regulations. For instance, a distinction is made between a “Project”, consisting of one or more Scopes of Work that are installed at an Eligible Property, and an “Eligible Financing Agreement”, which is the agreement between the Finance Provider Entity and Eligible Commercial Financing Customer that provides funds to pay for a Project. Further, the Authority clarifies that “Eligible Financing Agreements” must be used to fund improvements to existing buildings rather than new construction or the purchase of a building.

Since the Decision does not define all of the terms required to implement the Program, this section is necessary to define key terms used throughout the regulations to ensure that stakeholders and consumers are provided a clear and transparent description of Program requirements, processes, and procedures. Without proper definitions, terms that require precise interpretation within the context of the Program may have multiple meanings, which could lead to improper utilization of ratepayer funds. Definitions are also necessary to clearly specify requirements and roles of Program participants, standardize naming conventions, avoid unnecessary repetition, and improve general clarity and consistency throughout the regulations.

Section 10092.2. Finance Entity Enrollment.

The purpose of this section is to specify the roles, application process, and eligibility requirements for a finance company to apply for participation in the Program. It details the information and qualifications required of a Finance Provider Applicant, including a comprehensive description of its proposed financing products and how it will utilize credit enhancements to offer benefits to Eligible Commercial Financing Customers compared to its typical product offerings. This section also stipulates required acknowledgements, certifications, and representations from Finance

Provider Applicants, and establishes procedures for changing product offerings or enrollment status.

This section is necessary to make the application process clear and transparent for private finance companies that want to participate in the Program, making it easier to partner with and attract private capital to increase the volume of Energy Efficiency financing, while establishing a minimum level of requirements to protect ratepayer funds allocated to the Program and maximize their benefits to customers. The information, standards, and covenants required of the Finance Provider Entity are necessary to better ensure that the Authority enters into formal relationships with experienced business partners, and appropriately balances industry standards and innovative approaches to safeguard ratepayer investment.

Section 10092.3. Additional Requirements for Entities that are not Financial Institutions.

The purpose of this section is to set additional standards and requirements for a non-Financial Institution applicant’s qualifications, insurance, quality control systems, and net worth when applying for enrollment in the Program.

Financial Institutions, as defined in these regulations, abide by state and/or federal financial regulatory and insurance requirements that guarantee their financial viability. This section is necessary to attract additional private capital by also providing a path for non-Financial Institutions to participate in the Program, while ensuring they are adequately qualified. It is necessary to provide non-Financial Institution applicants with clear information and expectations, while providing an additional level of oversight to better ensure consumer protection and protect ratepayer funds, and better ensures Program participants operate under industry standards and have the necessary business infrastructure, track record, and experience to bring value and reliability to Eligible Commercial Financing Customers under the Program. The provision of standardized detailed information will create uniformity in the information the Authority collects when reviewing applications, and ensure equitable treatment of market actors.

Section 10092.4. Contractor and Project Developer Participation.

The purpose of this section is to establish the Participating Contractor and Participating Project Developer requirements and responsibilities for participation in the Program. It specifies the information and qualifications required of an Eligible Contractor or Eligible Project Developer, including a review of its proposed services and qualifying experience to complete Projects that deliver energy savings. The section also establishes required acknowledgements, certifications, and general liability insurance, and outlines the processes for Par-

ticipating Contractors and Participating Project Developers to withdraw from the Program.

This section is necessary for the Authority to enroll experienced partners, by establishing minimum criteria for Eligible Contractors and Eligible Project Developers to demonstrate experience and good legal standing when applying for participation in the Program. Partnering with experienced professionals in the energy efficiency industry helps safeguard the public, align the Program with industry standards, and strengthen the Program impact and usability. This section is also necessary to standardize the application process for contractors and project developers while remaining flexible enough to attract a large applicant pool, and establish a process for removing bad actors from the Program.

Section 10092.5. Eligible Financial Products.

The purpose of this section is to describe the requirements and establish the minimum standards for Eligible Financing Agreements to be eligible for enrollment in the Program. This section requires that Finance Provider Entities disclose the annual percentage rate or total cost of the Eligible Financing Agreement to the Eligible Commercial Financing Customer, and describes the additional requirements for Eligible Financing Agreements, including maximum financed amount, fees, security interests, and whether and how refinancing is allowable. This section also requires that each Enrolled Financing Agreement is consistent with the terms of the Finance Provider Entity's products that have been approved by the Authority for participation in the Program.

This section is necessary to provide Eligible Commercial Financing Customers with certain consumer protections. Disclosing the annual percentage rate or the total financed amount provides the Eligible Commercial Financing Customer with information that will assist them in making an informed decision relating to whether or not to finance Energy Efficiency upgrades. A description of other requirements for eligible products is necessary for finance companies to understand what terms and provisions they may offer under the Program, and provides a prospective finance company with information to assist them in deciding whether to apply to the Program.

Section 10092.6. Eligible Financing Customers.

This section establishes the minimum requirements that apply to Eligible Commercial Financing Customers. It requires that Eligible Commercial Financing Customers pass a credit check, demonstrate twelve months of bill-pay history from an IOU, and have not filed for bankruptcy in the past five years. It also sets the criteria they must meet depending on the Total Financed Amount they are accessing.

This section is necessary to establish minimum underwriting requirements and standards that help protect ratepayer funds without being overly restrictive. It is necessary to avoid placing too many restrictions on Finance Provider Entities because they already have established processes for vetting customers through their underwriting procedures, which are consistent with industry standards. The requirements set forth in this section are necessary to ensure that Finance Provider Entities continue to apply minimum underwriting standards, and do not rely on the credit enhancement in lieu of their normal practices due to the mitigated risk the loss reserve provides.

Section 10092.7. Project Eligibility.

This section details the requirements for Projects to be eligible for financing through the Program. It describes the general eligibility criteria that apply to all Projects, such as a Bill Impact Estimate and inclusion of an Energy Saving Measure, as well as the specific eligibility requirements for Self-Installers. This section specifies the three ways that an Energy Saving Measure may qualify for the Program, and outlines the scope and process for review and verification of installed Energy Saving Measures to ensure compliance with Program requirements, which vary depending on the qualification method.

This section is necessary to establish Project eligibility criteria, measure eligibility criteria, and a verification process for Projects that do not include IOU Custom measures. All improvements installed through the Program must meet these criteria to help ensure Project performance and consumer protection, and help meet the state's energy policy goals of achieving energy conservation and reduction.

Section 10092.8. Financing Submittal and Enrollment.

The purpose of this section is to detail the full requirements for Project eligibility, including the documentation, data, and signed certifications that must be submitted by each participant to the Authority for the Eligible Financing Agreement for a Project to enroll in the Program.

This section is necessary for the Program to detail requirements that ensure Eligible Financing Agreements comply with and are eligibility under the Program regulations when submitted for enrollment. Additionally, the requirements standardize the submitted data points, which in aggregate will allow the Authority to analyze the impact, reach, and public benefits of the Program.

Section 10092.9. Credit Enhancement.

The purpose of this section is to describe how the Authority will administer credit enhancements to Finance Provider Entities in the form of Loss Reserve Accounts for each FPE, funded by Loss Reserve Contributions upon enrollment of Eligible Financing Agreements.

This section is necessary to establish the administrative process for Loss Reserve Accounts for the benefit of the Finance Provider Entity, as each Eligible Financing Agreement is enrolled in the Program. This section is also necessary to provide the methodology for the calculation of each Loss Reserve Contribution, and the annual rebalance of the Loss Reserve Account funds so that there is procedural certainty, and clarity for Finance Provider Applicants contemplating enrolling in the Program.

Section 10092.10. Claims.

The purpose of this section is to establish the process and terms whereby a Finance Provider Entity may claim and receive reimbursement for a loss incurred from an Eligible Commercial Financing Customer's default on an Enrolled Financing Agreement that results in the Finance Provider Entity charging-off of some or all of its outstanding principal.

This section is necessary to establish processes and procedures for appropriate disbursement of the ratepayer dollars from Loss Reserve Accounts. The Program utilizes ratepayer funds as credit enhancements to incentivize finance companies to extend or improve credit terms, but for the credit enhancements to have the desired effect, the funds in Loss Reserve Accounts must be accessible to Finance Provider Entities when they incur a loss from a charge-off of defaulted Enrolled Financing Agreements.

Section 10092.11. Sale and Transfer of Enrolled Financings and Transfer of Program Roles.

The purpose of this section is to permit the sale, transfer, or assignment of an Enrolled Financing Agreement or the repayments associated with an Enrolled Financing Agreement. This section also permits and establishes requirements for the transfer of Program roles among Affiliate Finance Provider Entities and the Primary Finance Provider Entity when a Finance Provider Entity has more than one entity fulfilling those roles.

This section is necessary to provide Finance Provider Entities with the flexibility to transfer, sell, or assign an Enrolled Financing Agreement to third parties, which is common in the finance industry, and is necessary to encourage a secondary market that expands the energy efficiency financing sector and leads to more capital available for Energy Efficiency improvements. This section is also necessary to provide the flexibility to Finance Provider Entities to share Program roles, while ensuring that at least one entity fulfills each Program role.

Section 10092.12. Reporting.

The purpose of this section is to establish the reporting requirements of Finance Provider Entities to the Authority required under the Program, including the balance, status, and ownership of Enrolled Financing

Agreements, and updates on the Finance Provider Entity's material changes since their application for enrollment.

This section is necessary to enable the Authority to track and audit repayment performance and sale of financings for all Enrolled Financing Agreements, and track customer applications received and approved by the Finance Provider Entity during their participation in the Program. Reporting is necessary to appropriately protect the use of ratepayer funds, analyze the impact on repayments and defaults under the Program, and monitor the creation of a secondary market for the sale of financings. This section is also necessary to help ensure that Finance Provider Entities remain compliant with Program regulations and continue efforts to enroll new financings.

Section 10092.13. California Hub for Energy Efficiency Financing Privacy Rights Disclosure.

The purpose of this section is to discuss the Eligible Commercial Financing Customer's privacy rights relating to information collected through the Program, and obtain approval and acknowledgement that authorizes the Participating Project Developer, Participating Contractors, IOUs, and Finance Provider Entity to share certain information, including information that may be personally identifiable, with the Authority. This was intended in the CPUC Decision, and requires an affirmative release from the borrower. Financing and Energy Efficiency Project performance data may then be made publicly available in an anonymized form and aggregated with information from other Program participants to protect the Eligible Commercial Financing Customer's privacy while providing needed transparency into the Program's performance to other government agencies and the public.

This section is necessary for the Authority to obtain customer permission to collect personally identifiable data relating to them, their Projects, and their Enrolled Financing Agreements. Certain information is necessary to understand which customers are being served by the Program, to protect ratepayer funds by ensuring Program compliance, and to determine the Program's performance and reach to strengthen its impact and usability. These data requirements are necessary to comply with reporting requirements contained in the Authority's contracts with the CPUC and the IOUs, and to study the benefits of combining Program benefits with Energy Efficiency rebate and incentive programs. This section is also necessary to follow up with Eligible Commercial Financing Customers for post-Project quality assurance and quality control inspections and customer survey and feedback purposes, which is information required under the Decision. An affirmative re-

lease of the data is necessary to ensure adequate consumer protection and privacy standards are met.

Section 10092.14. Energy Saving Measure List.

The purpose of this section is to provide a list of Energy Saving Measures (ESMs) that are pre-approved by the Authority for installation under the Program through the ESM List Method. Each measure includes a measure category, the measure name, eligibility requirements (if any), IOU fuel source eligibility, and self-install eligibility. IOU fuel source eligibility defines the type of IOU service necessary for measure eligibility. In any situation in which the Title 20, Title 24, or any other legal requirement exceeds the requirement specified in the table, the ESM must be installed to meet the legal requirement(s). A subset of measures are eligible to be installed by the Eligible Commercial Financing Customer without a Participating Contractor, provided that a Participating Project Developer is affiliated with the Project, and these measures are identified on the ESM List as “Self-Install” eligible. The ESM List is broken down into categories that address technologies and specific end-use applications, where technology measures are cross cutting and are likely to be applicable to nearly all customer types, but measures in end-use application categories are unique to that particular category and are unlikely to apply elsewhere.

In providing this list of pre-approved measures, the Authority intends to enable easy identification and use of measures that are anticipated to save energy in a majority of projects and situations. The ESM List is necessary for Participating Contractors, Participating Project Developers, and Eligible Commercial Financing Customers to identify and install measures that are pre-approved by the Authority to streamline and simplify the process. Publishing the ESM List in the regulations was the most effective way to allow for public engagement and comment on the list of Energy Saving Measures, following a lengthy stakeholder engagement and deliberative process. The ESM List indicates the IOU fuel source eligibility to ensure that ratepayer funds are aligned with measures that are likely to save energy within the same fuel source category from which those funds were collected. All ESM List measures must meet minimum performance requirements to ensure that energy savings are realized by customers and the Program, and have performance requirements that may be equivalent to code, or may exceed code, depending on the measure.

The Authority’s legal counsel reviewed the California Code of Regulations and found no existing regulations dealing with this issue. Therefore, CAEATFA believes that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposed regulations, their purpose, and alterna-

tives considered by the Authority are discussed in detail in the Initial Statement of Reasons.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effects of the regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17561: None.

Other non-discretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant effect on small business costs: None.

Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made the determination that the regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost impact on a representative private person or business: The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Small business: The regulations will not have an adverse impact on small business in California and will not affect small businesses since they do not impose additional restrictions or cost on small businesses.

RESULTS OF ECONOMIC IMPACT ANALYSIS

The Authority anticipates that the proposed regulations will (1) unlikely eliminate any jobs within the state, (2) likely create an unknown number of jobs in the energy efficiency industry, (3) unlikely eliminate any existing businesses within the state, and (4) likely have an indirect, non-monetary benefit on small businesses, the health and welfare of California consumers and the state’s environment.

The Authority finds that the proposed regulations will have a positive effect on businesses of contractors who conduct the energy efficiency retrofits, and project developers of these retrofits. The proposed regulations may also have a positive effect on the state’s economy

and environment generally as a result of the increased economic activity and energy conservation as a result of an Eligible Commercial Financing Customer's investment in energy upgrades to their businesses. Studies have cited the need for lower cost financing as a barrier for business owners to invest in energy upgrades.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Authority invites interested persons to present statements with respect to alternatives to the regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the regulations shall be submitted or directed to:

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AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF THE PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items re-

quired by law. The file is available for inspection at the Authority's office at 801 Capitol Mall, Second Floor, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, the proposed text of the regulations, the Economic Impact Statement, and the Technical, Theoretical, and/or Empirical Studies, Reports, or Documents. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/caeatfa/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the public hearing and at the end of the written comment period, the Authority may adopt the regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed regulations, as modified. Inquiries about and request for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website located at <https://www.treasurer.ca.gov/caeatfa/cheef/sblp/index.asp>.

AVAILABILITY OF MATERIALS ON THE INTERNET

Materials prepared for this rulemaking, including this Notice, the Initial Statement of Reasons, the text of the proposed regulations, the Economic Impact Analysis, and Technical, Theoretical, and/or Empirical Studies, Reports, or Documents may be accessed on the Authority's website located at <https://www.treasurer.ca.gov/caeatfa/cheef/sblp/index.asp>.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“CATEGORICAL EXEMPTION AMENDMENTS, 2019”

**Division 1.5, Chapter 5
Subchapter 3, Section 1153**

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. All written comments must be received by the Board office via mail, facsimile, e-mail, or hand delivery no later than **October 8, 2019**.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Eric Hedge
Regulations Program Manager
P.O. Box 944246
Sacramento, CA 94244–2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506–14
1416 9th Street
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653–0989

Written comments may also be delivered via e-mail at the following address:

PublicComments@BOF.ca.gov

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the

written comment period. Any request should be made to the contact information provided above.

AUTHORITY AND REFERENCE
(pursuant to GOV section 11346.5(a)(2) and 1 CCR section 14) 14 CCR section 1122)

Authority cited: Section 21082, Public Resources Code. Reference: Sections 21080 and 21083, Public Resources Code; California Code of Regulations, Title 14, section 15300.4.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

(pursuant to GOV section 11346.5(a)(3)(A)–(D))

The California Environmental Quality Act (CEQA) (Division 13, Public Resources Code (PRC)) declares a legislative intent that “all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian” (PRC section 21000(g)), and further requires “. . .governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality” (PRC section 21001(f)).

Generally, these regulations, standards, and procedures are developed by the Secretary of the California’s Natural Resources Agency (CNRA) and the Governor’s Office of Planning and Research (OPR), as directed by PRC section 21083 as follows: “The Office of Planning and Research shall prepare and develop proposed guidelines for the implementation of this division by public agencies. The guidelines shall include objectives and criteria for the orderly evaluation of projects and the preparation of environmental impact reports and negative declarations in a manner consistent with this division.” Included in those guidelines are “a list of classes of projects that have been determined not to have a significant effect on the environment and that shall be exempt from [CEQA]” (PRC section 21084(a)). This list of classes, which are “Categorically Exempt” from CEQA, are found within 14 CCR section 15300 *et seq.* and are broad categories which describe the basic qualities of projects that are determined to have no impact and, in some cases, include examples of those project types to guide public agency actions.

As part of the regulatory guidance adopted by CNRA for the implementation of CEQA, 14 CCR section 15300.4 requires that “Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt

classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes.”

The Board of Forestry and Fire Protection (Board), in 1979, adopted a regulatory procedure within 14 CCR section 1150 *et seq.* to provide the Board “. . .with procedures for the orderly evaluation of projects and the preparation of environmental documents pursuant to the California Environmental Quality Act of 1970 (PRC Sections 21000, *et seq.* hereinafter referred to as CEQA) and the State Guidelines for Implementation of CEQA (14 CAC 15000, *et seq.*)” (14 CCR section 1150). Included within these regulatory procedures, consistent with 14 CCR section 15300.4, was a list of activities of the Board which were Categorically Exempt from CEQA environmental documentation requirements (14 CCR section 1153).

The problem is that the existing regulatory list of Categorically Exempt projects do not reflect the full scope of Board activities that fall within the existing classes of exempt activities as identified by existing CEQA regulation, and which are therefore exempt from the provisions of CEQA.

The purpose of the proposed action is to implement the requirements of 14 CCR section 15300.4 and to update the list of specific Board activities which fall within the exempt classes, as identified within 14 CCR section 15300 *et seq.*

The effect of the proposed action is to: (1) clarify that the actions related to defensible space requirements under the authority of PRC section 4291, including the adoption of Board regulations, are consistent with the letter and intent of 14 CCR section 15304; (2) clarify that the Board approval of state forest management plans in accordance with PRC section 4645 is consistent with the letter and intent of 14 CCR section 15306; (3) clarify that Board actions related to the management of hazardous fire areas in accordance with PRC sections 4251–4290.5, as well as Board actions presently exempt under 14 CCR section 15307, may be consistent with either, or both, of 14 CCR sections 15307 and 15308, depending on the project specifics; and (4) clarify the scope of the Board’s regulatory categorical exemptions in relation to those within the CEQA guidelines with which they are consistent.

The benefit of the proposed action is an increase in openness and transparency in government through the Board’s disclosure of the impacts, or lack thereof, of potential future Board activities. Given that future Board actions related to categorical exemptions may be a procedural implementation of CEQA statutes (PRC section 21082), these activities may meet established definitions of regulations. The clarification of these categorical exemptions both makes clear the mechanisms

by which the Board may engage in future activities, and avoids the potential for underground regulations.

There is no comparable Federal regulation or statute.

Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV section 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to categorical exemptions and found no existing State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

Statute to which the proposed action was compared: 21082

MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed action is not mandated by Federal law or regulations.

The proposed action neither conflicts with, nor duplicates, Federal regulations.

There are no comparable Federal regulations related to management plans for the non–industrial harvesting of timber. No existing Federal regulations meeting the same purpose as the proposed action were identified.

OTHER STATUTORY REQUIREMENTS (pursuant to GOV section 11346.5(a)(4))

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

LOCAL MANDATE (pursuant to GOV section 11346.5(a)(5))

The proposed action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT (pursuant to GOV section 11346.5(a)(6))

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the act, within the meaning of Section 17556 of the Government Code.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in Federal funding to the State.

The proposed action will not result in costs to any State agency. The proposed action represents a continuation of existing regulations related to existing classes of categorical exemptions which may be applicable to future Board projects.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

HOUSING COSTS

(pursuant to GOV section 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

(pursuant to GOV sections 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

The proposed action will not have a significant statewide adverse economic impact or directly affect business. There will be no impact on the ability of California businesses to compete with businesses in other states as these regulations will not make it costlier to produce goods or services in California.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

(pursuant to GOV section 11346.2(b)(5) and GOV section 11346.5(a)(8))

Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of contemplating the implementation of the California Environmental Quality Act that the Board brings to bear on regulatory development.

STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to **GOV section 11346.5(a)(10)** and prepared pursuant to **GOV section 11346.3(b)(1)(A)–(D)**. The proposed action:

- Will not create jobs within California (GOV section 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV section 11346.3(b)(1)(A));
- Will not create new businesses (GOV section 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV section 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV section 11346.3(b)(1)(C));
- Will yield nonmonetary benefits (GOV section 11346.3(b)(1)(D)). For additional information on the benefits of the proposed regulation, please see anticipated benefits found under the Informative Digest/Policy Statement Overview.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

(pursuant to GOV section 11346.5(a)(9))

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. No adverse impacts are to be expected.

BUSINESS REPORT

(pursuant to GOV sections 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS

(defined in GOV section 11342.610)

Small businesses, within the meaning of GOV section 11342.610, are not expected to be affected by the proposed action.

Small business, pursuant to 1 CCR section 4(a):

- (1) Is legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation;
- (4) May not incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

Pursuant to 1 CCR section (b), the reason(s) the regulation affects small business are the same as provided in the Economic Impact Analysis in the initial Statement of Reasons.

ALTERNATIVES INFORMATION

In accordance with **GOV section 11346.5(a)(13)**, the Board must determine that no reasonable alternative it considers, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Eric Hedge
Regulations Program Manager
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-8007.

The designated backup person in the event Mr. Hedge is not available is Matt Dias, Executive Officer for the Board of Forestry and Fire Protection. Mr. Dias may be contacted at the above address or phone.

AVAILABILITY STATEMENTS

(pursuant to GOV section 11346.5(a)(16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.

3. The information upon which the proposed action is based (pursuant to **GOV section 11346.5(b)**).
4. Changed or modified text. After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who submitted comments during the public comment period, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: <https://bof.fire.ca.gov/regulations/proposed-rule-packages/>.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 713, 1022, and 1050 of the Fish and Game Code and to implement, interpret or make specific Sections 713, 1022, and 1050 of said Code, proposes to add Chapter 5.6, Section 90, and add Section 704, Title 14, California Code of Regulations, relating to the issuance of experimental fishing permits.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Fish and Wildlife (Department) is proposing to add new Chapter 5.6, Experimental Fishing Permit (EFP) Program, which will contain new Section 90, Issuance of Experimental Fishing Permits, in Title 14 of the California Code of Regulations (CCR).

In addition, a new Section 704, Experimental Fishing Permits; Fees and Forms is proposed to be added to Title 14, CCR, relating to fees and forms associated with issuance of EFPs.

The proposed regulations, implement, in part, Assembly Bill (AB) 1573 (also known as the California Fisheries Innovation Act of 2018) which became effective on January 1, 2019. This legislative action repealed the experimental gear permit (EGP) provisions in Section 8606, Fish and Game Code (FGC), and added new FGC Section 1022, providing for an EFP program to facilitate fishery-related exploration and experimentation to inform fishery management.

Following the repeal of FGC Section 8606, new regulations pursuant to FGC Section 1022 need to be established in Title 14, CCR, to support the continuation of an experimental box crab fishery approved by the Commission in December 2018 before the currently issued EGPs expire on March 31, 2020. The proposed regulations will ensure that current research on a potential box crab fishery can continue while a larger programmatic rulemaking can be developed to build out an EFP program pursuant to FGC 1022.

The proposed regulations will establish a new Chapter 5.6, Experimental Fishing Permit Program, containing new Section 90, Issuance of Experimental Fishing Permits; and additionally, establish new Section 704, Experimental Fishing Permits; Fees and Forms, within Title 14, CCR. The proposed regulations in Chapter 5.6, Section 90, Title 14, CCR will primarily describe the overarching strategy to establish the EFP program and provide a coherent framework in regulations to implement the EFP program.

The proposed regulations in new Section 90, Title 14, CCR will establish the process for issuing EFPs to those applicants previously approved by the Commission in 2018 to receive a box crab EGP. Specifically, Section 90 would allow for the following:

- The Commission may authorize the Department to issue experimental fishing permits to any applicant approved by the Commission in the year 2018 to receive an experimental gear permit pursuant to Fish and Game Code 8606 (repealed, 2018).
- The applicant shall submit a written request for issuance of an EFP at least 60 days prior to the expiration date of their current permit.
- No more than eight valid EFPs will be issued at any one time.
- The Commission may establish Standard Terms applicable to all fishery participants.
- The Commission may approve the adoption, amendment, or repeal of Special Conditions unique to the experimental fishery set forth in form

DFW 1085 as it deems necessary for research and the conservation and management of marine resources and the environment.

- The department shall notify a permittee at least 30 days before recommending a change to the Special Conditions of the EFP.
- Access to future permits, if a fishery is developed, is not implied by participation in the EFP program.

The proposed regulations in Section 704 will stipulate the box crab EFP fee pursuant to FGC subdivision 1022(g) that authorizes the Commission to charge a fee as necessary to fully recover, but not exceed, all reasonable implementation and administrative costs of the Department and Commission related to the EFP. The EFP permit fee will be established as \$4,487.75.

Section 704 will also incorporate by reference the Experimental Fishing Permit Terms and Conditions Form DFW 1085 (New 08/01/2019), which identifies the person(s) and vessel authorized to conduct activities under the EFP and specifies the Standard Terms and Special Conditions to which EFP permit holders will be subject.

Benefits of the Regulations:

It is the policy of the State to ensure the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, supporting and promoting scientific research on marine ecosystems and their components to develop better information on which to base marine living resource management decisions, and managing marine living resources on the basis of the best available scientific information and other relevant information that the Commission or Department possesses or receives.

The benefit of the proposed regulations will ensure that existing box crab permit holders can continue to collect data for management and test the viability of a box crab fishery, which will inform future management strategies for this emerging fishery.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the review, approval, and issuance of experimental fishing permits that authorize commercial or recreational marine fishing activity that is otherwise prohibited by law (FGC Section 1022). No other State agency has the authority to promulgate experimental fishing permit regulations. The Commission has re-

viewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Commission has searched the California Code of Regulations for any regulations regarding the review, approval, and issuance of experimental fishing permits and has found no such regulation; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Rincon Government Center, One Government Center Lane, Valley Center, California 92082, on October 10, 2019, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before September 26, 2019 at the address given below, or by email to FGC@fgc.ca.gov. All comments (both oral and written) must be received no later than October 10, 2019, either at the Commission office or at the address given below, by email to FGC@fgc.ca.gov, or at the October 10, 2019 hearing in Valley Center, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Craig Castleton at the preceding address or phone number. **Tom Mason, Senior Environmental Scientist (Supervisor), Department of Fish and Wildlife, (858) 637-7100** or Tom.Mason@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/ RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

No businesses are expected to be impacted by the proposed regulations because the regulations proposed implement a process for the Commission to authorize the Department to issue EFPs and establishes the same fee for the EFPs as was established for the EGPs. The economic impact to the state is anticipated to be unchanged with no adverse impacts to California businesses or their ability to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing

businesses or the expansion of businesses in California because the proposed regulatory action will enable the continuation of an existing experimental fishery with no change.

The Commission anticipates indirect benefits to the health and welfare of California residents. Providing opportunities for a potential box crab fishery encourages consumption of a nutritious food. The Commission anticipates benefits to the state’s environment as the EFP program would be a proactive approach to fisheries management which will ensure the protection of marine resources and foster sustainable fisheries and a healthy marine environment.

The Commission does not anticipate any benefits to worker safety because the proposed regulations would not have any impact on working conditions.

(c) Cost Impacts on a Representative Private Person or Business:

The proposed regulations are necessary to establish a process for the issuance of Experimental Fishing Permits to replace previously approved Experimental Gear Permits for the box crab program. The annual fee amount of \$4,487.75 is essentially unchanged from the fee for the experimental gear permits issued in December 2018. Thus, current box crab permit holders will not incur additional compliance costs associated with the proposed permit fee of \$4,487.75. Should a permit become available among the eight allowable at any one time, the new entrant would incur a new annual \$4,487.75 permit fee cost.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to

Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 4150, Fish and Game Code and to implement, interpret or make specific Section 473; Title 14, California Code of Regulations, relating to Possession of Nongame Animals: Nutria regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This amendment of Section 473 would ban the possession of live nutria to prevent new introductions of nutria in the state. Nutria affect the State’s wildlife by damaging wetland habitats, and put waterways, water supplies, water conveyance and flood protection infrastructure, and agriculture at risk from damage through their burrowing and herbivory of aquatic vegetation. The Department has implemented a multimillion-dollar nutria eradication program, and this regulation is an integral part of this effort.

Possession of nutria is only possible under a permit issued by the Department. But the permit denial provisions in California Code of Regulations, Title 14, subsection 671.1(c)(5), sections 670 and 650 have no provisions for banning the possession of live nutria in California.

Section 473 provides exceptions to FGC 4150, allowing for the possession of legally taken non-game birds and mammals, including rodents such as nutria, but not prohibiting the possession of live nutria pursuant to a Department-issued permit. Thus, the Commission proposes an addition to subsection 473(b) stating:

“It is unlawful to possess live nutria (*Myocastor coypus*), and the Department shall not issue any permit authorizing possession of any live nutria.”

Goals and Benefits of the Regulation:

The goal of this regulation change is to prevent the possession of live nutria in California. This regulation will benefit the Department, the State, and its resources, by reducing the potential for future, additional introductions via released or escaped nutria. Ultimately, this regulation protects California's wetlands, waterways, infrastructure, water supplies, human health and safety, and agriculture.

Consistency with State Regulations

The Commission and Department have conducted a review of the California Code of Regulations and determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the statutory authority to amend regulations pertaining to the herring fishery.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Rincon Government Center, One Government Center Lane, Valley Center, California, on Wednesday, October 9, 2019, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Natural Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California, on Wednesday, December 11, 2019, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before noon December 6, 2019 at the address given below, or by email to FGC@fgc.ca.gov. All comments (both oral and written) must be received no later than December 11, 2019, at the hearing in Sacramento, California. If you would like copies of any modifications to this proposal, please include your name and mailing address. **Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.**

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, P.O. Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning

the regulatory process to Melissa Miller-Henson or Jon Snellstrom at the preceding address or phone number. **Valerie Cook, Nutria Eradication Incident Commander, telephone at 916-654-4267 or email Valerie.Cook@wildlife.ca.gov**, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/
RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action is an additional component of the state's nutria eradication program that is anticipated to minimize the costly risks to infrastructure and

resources that nutria pose. Reducing the potential for the spread of escaped nutria should help protect California's business activities that draw upon well-functioning wetlands, waterways, infrastructure, and water supplies, such as agriculture and associated businesses.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates no impacts on the creation or elimination of jobs within the state and no impact on the creation of new businesses or the elimination of existing businesses because the proposed amendment is anticipated to aid in the preservation of existing water infrastructure with no cost to current business activities. The Commission anticipates benefits to the health and welfare of California residents by the protection of water supplies. The proposed action is not anticipated to directly affect worker safety. The Commission anticipates benefits to the State's environment by supporting strategies that further the control of invasive species.

- (c) Cost Impacts on a Representative Private Person or Business:
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:
No new costs to the State. Additionally, the proposed action will aid in the prevention of future importations and releases, preventing loss of state agency and/or federal funding to response costs.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission

has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #1118-14

ITEM #1 California Work Opportunity and Responsibility to Kids (CalWORKs) Death of a Child

The California Department of Social Services (hereafter known as the Department) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on October 8, 2019, at the following address:

Office Building # 8
744 P St. Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only if attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you need a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on October 8, 2019.

Following the public hearing the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be

available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Hearings for Proposed Regulations \(http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information\)](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information). Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will also be available at the following address:

CONTACT

California Department of Social Services
Office of Regulations Development
744 P. Street, MS 8-4-192
Sacramento, CA 95814
Tel: (916) 657-2586, Fax: (916) 654-3286
Email: ord@dss.ca.gov

CHAPTERS

42-700 and 44-300

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill (AB) 433 (Chapter 514, Statutes of 2015) requires a deceased child to remain as a member of the CalWORKs assistance unit (AU) in the month in which the child's death occurred, and the following month. In addition, AB 433 prohibits sanctions from being applied or overpayments being established for adult CalWORKs recipients due to failure or refusal to comply with the Welfare-to-Work (WTW) program requirements during the month in which a child in the AU died, and the following month. This regulatory action also makes technical changes to pronouns.

The Department has determined that these proposed regulations are not inconsistent or incompatible with

existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the CalWORKs death of a child within an AU in California.

Benefits Anticipated from Regulatory Action

The benefits of the regulatory action to health and welfare of California residents, worker safety, and the state's environment is the amended regulations will help adults by not decreasing their CalWORKs grant in the month and the month following the death of a child member of the AU. The proposed amendments also extend referrals and services to affected adults which increases the likelihood of stable families moving towards self-sufficiency, resulting in a positive economic impact. There are no additional benefits for the worker safety and the state's environment as the regulations only affect individuals who are participating in the CalWORKs program. The technical changes to pronouns allow for a more inclusive atmosphere.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500-17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local county welfare agencies, but not local school districts. There are no reimbursable state-mandated costs under Section 17500 et seq. of the Government Code, because any costs generated by these regulations are negligible.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because these regulatory changes are only applicable to recipients in the CalWORKs program.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The regulation changes are designed to impact the recipients of the CalWORKs program by maintaining their grant amount in the month of, and the month following, the death of a child who was a member of the assistance unit to allow for a grieving period.

SMALL BUSINESS IMPACT STATEMENT

The Department has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies. These regulations are mandated by AB 433 and are only applicable to recipients of the CalWORKs program.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to health and welfare of California residents, worker safety, and the state's environment is the amended regulations will help the adult(s) by not decreasing their CalWORKs grant in the month, and the month following, the death of a child member of the AU. The proposed amendments also extend referrals and services to the adult(s) AU which increases the likelihood of stable families moving towards self-sufficiency, resulting in a positive economic impact. There are no additional benefits for the worker safety and the state's environment as the regulations only affect individuals who are participating in the CalWORKs program. The technical changes to pronouns allow for a more inclusive atmosphere.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regula-

tions are proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law: No alternatives have been presented and because these regulations align with AB 433, which benefits AU(s) by not decreasing the grant amount during the month, and the month following, the death of a child in the AU, and makes other technical changes.

AUTHORITY AND REFERENCE CITATIONS

Welfare and Institutions Code sections 10553, 10554, 10604, 11321, 11369, and 11450.05.

DEPARTMENT REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:

Kenneth Jennings
(916) 657-2586

Backup:

Sylvester Okeke
(916) 657-2586

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR

Stanford University's Upper Quarry
Habitat Improvement Project for
California Red-Legged Frogs
(Tracking Number: 1653-2019-045-001-R3)
Santa Clara County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on August 7, 2019, that Stanford University proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the creation of four new California red-legged frog breeding habitat ponds within the bed and banks of the seasonal tributary channel in the Upper Quarry. The proposed project will be carried out on the Upper Quar-

ry tributary creek, located at an abandoned quarry, referred to as the Upper Quarry in project documents, located on Stanford University property in the Matadero Creek watershed in Santa Clara County, California.

On December 14, 2018, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) and received supplemental application materials through May 9, 2019 for the Upper Quarry Habitat Improvement Project for California Red-Legged Frogs. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (CIWQS Place ID No. 854450 (BKW), CIWQS Reg. Meas. ID No. 427807) for coverage under the General 401 Order on August 1, 2019.

Stanford University is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, Stanford University will have the opportunity to submit under Fish and Game Code section 1652.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS

San Bernardino Kangaroo Rat
(*Dipodomys merriami parvus*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its August 7, 2019 meeting in Sacramento, California, accepted for consideration the petition submitted to list San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as endangered under the California Endangered Species Act.

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife’s (Department) written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the San Bernardino kangaroo rat is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the August 7, 2019 Commission meeting, are on file and available for public review from Melissa Miller-Henson, Acting Executive Director, Commission, 1416 Ninth Street, Suite 1320, Sacramento, California 95814, phone (916) 653-4899.

Written comments or data related to the petitioned action should be directed to the California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244-2090, Attn: Scott Osborn, or email wildlifemgt@wildlife.ca.gov (include “SBKR” in subject line). Submission of information via email is preferred.

DISAPPROVAL DECISION

DEPARTMENT OF PUBLIC HEALTH

State of California
Office of Administrative Law

In re:
Department of Public Health

Regulatory Action:

Title 17, California Code of Regulations

Adopt sections: 30315.05, 30315.20, 30315.22, 30315.23, 30315.33, 30315.50, 30315.52, 30316.30, 30317.10, 30317.20, 30318.11

Amend sections: 30315.10, 30315.34, 30315.36, 30315.60, 30316, 30316.10, 30316.20, 30316.60, 30316.61, 30318.10, 30319, 30320.90

Repeal sections: 30315.20, 30315.22, 30315.23, 30315.24, 30315.33, 30315.35, 30315.50, 30315.51, 30315.52, 30316.22, 30316.30, 30316.40, 30316.50, 30317, 30317.10, 30317.20, 30317.30, 30317.40, 30317.50, 30317.60, 30317.70, 30318.11, 30319.20

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2019-0626-01

OAL Matter Type: Regular (S)

SUMMARY OF REGULATORY ACTION

The Department of Public Health (Department) proposed this action to make comprehensive amendments to regulations pertaining to requirements for the use of X-ray machines in mammography.

DECISION

On June 26, 2019, the Department submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review. On August 5, 2019, OAL notified the Department of the disapproval of this regulatory action. The reasons for the disapproval were failure to comply with the “clarity” standard of Government Code section 11349.1, and the Department failed to follow all required procedures under the California Administrative Procedure Act (APA) with regard to the incorporation by reference of federal regulations. Both issues concern proposed changes in section 30315.52 of title 17 of the California Code of Regulations (CCR). Additionally, the Department failed to follow APA procedures with two documents required to be included in the rulemaking file. The discussion below explains the reasons for OAL’s disapproval decision.

CONCLUSION

OAL disapproved the above-referenced rulemaking action for the foregoing reasons. Any changes made to the regulation text to address the clarity and incorporation by reference issues discussed above must be made available for public comment for at least 15 days pursuant to Government Code section 11346.8(c) and section 44 of title 1 of the CCR. The Department must identify in their 15-day notice the title and date of publication or issuance of the incorporated by reference federal regulations, pursuant to section 20(c)(3) of title 1 of the

CCR. The Department must resolve all other issues raised in this Decision of Disapproval before resubmitting to OAL.

Pursuant to Government Code section 11349.4(a), the Department may resubmit revised regulations and rulemaking documents within 120 days of their receipt of this Decision of Disapproval. A copy of this Decision was emailed to the Department on the date indicated below. If you have any questions, please contact me at (916) 323-6809.

Date: August 9, 2019

Richard L. Smith
Senior Attorney

For:
Kenneth J. Pogue
Director

Original:
Dr. Karen Smith, Director

Copy:
Veronica Rollin
Phillip Scott

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2019-0703-01
AIR RESOURCES BOARD
Innovative Clean Transit Regulation

This action establishes the requirements and processes for the transition by public transit agencies to all Zero-Emission Bus (ZEB) fleets. The action includes provisions concerning waivers of ZEB purchase requirements, zero-emission-mobility options for satisfying ZEB purchase requirements, bonus credits for early placement of ZEBs, optional joint transit agency ZEB fleet groups, required use of low NOx engines and renewable fuels, case-by-case exemptions from ZEB purchase requirements, and transit agency reporting obligations.

Title 13
ADOPT: 2023, 2023.1, 2023.2, 2023.3, 2023.4,
2023.5, 2023.6, 2023.7, 2023.8, 2023.9, 2023.10,
2023.11
Filed 08/13/2019
Effective 10/01/2019
Agency Contact: Chris Hopkins (916) 445-9564

File# 2019-0731-01
BOARD OF FORESTRY AND FIRE PROTECTION
Emergency Fuel Hazard Reduction Amendments, 2019
This emergency action amends emergency timber
harvesting practices to reduce wildfire threat and haz-
ardous fuel conditions.

Title 14
AMEND: 913, 933, 953, 1052, 1052.4
Filed 08/09/2019
Effective 08/14/2019
Agency Contact: Eric Hedge (916) 653-9633

File# 2019-0705-01
CALIFORNIA COASTAL COMMISSION
Annual Increases to Permit Fees and Major Public
Works Threshold
This change without regulatory effect adjusts the
threshold amount to qualify as a major public works or
energy project and the fees for permit applications and
other filings.

Title 14
AMEND: 13012, 13055
Filed 08/14/2019
Agency Contact: Robin Mayer (415) 904-5220

File# 2019-0627-04
CALIFORNIA HORSE RACING BOARD
Microchips Required for All Horses on Grounds
The California Horse Racing Board is making
changes to the microchip requirement for horses on the
grounds of a racing facility. The changes clarify that the
microchip is only required for race horses and extends
the deadline to get a microchip from 72 hours to 7 days.
The requirement to have signage indicating a horse is
not microchipped is being removed. Another change al-
low race horses to be entered into a race without a mi-
crochip as long as they are microchipped by race time or
receive a waiver. Stewards are given greater authority to
grant a microchipping waiver.

Title 4
AMEND: 1581.1, 1597.5
Filed 08/08/2019
Effective 10/01/2019
Agency Contact: Harold Coburn (916) 263-6026

File# 2019-0801-02
CALIFORNIA SECURE CHOICE RETIREMENT
SAVINGS INVESTMENT BOARD
CalSavers Retirement Savings Program

This emergency readoption action by the California
Secure Choice Retirement Savings Investment Board
maintains the regulations adopted in OAL File No.
2018-1108-04ER and 2019-0424-04EE, which estab-
lished the CalSavers Retirement Savings Program (Pro-
gram) in response to Senate Bill 1234 (Stats. 2012, ch.
734), Senate Bill 923 (Stats. 2012, ch. 737), and Senate
Bill 1234 (Stats. 2016, ch. 804). This action: 1) defines
employer eligibility in the Program, 2) establishes em-
ployer registration and employee enrollment require-
ments, 3) defines employer duties, and 4) establishes
default account settings and alternative election
options.

Title 10
ADOPT: 10000, 10001, 10002, 10003, 10004,
10005, 10006, 10007
Filed 08/12/2019
Effective 08/20/2019
Agency Contact: Eric Lawyer (916) 653-1748

File# 2019-0627-07
COMMISSION ON TEACHER CREDENTIALING
Administrative Services Credentials
This resubmittal action amends the Administrative
Services Credential Program Standards to include, inter
alia, the California Administrator Performance Assess-
ment (CalAPA) and amends experience requirements
applicable to out-of-state prepared administrators
seeking certification in California.

Title 5
AMEND: 80054, 80054.1
Filed 08/08/2019
Effective 08/08/2019
Agency Contact: Tammy Duggan (916) 323-5354

File# 2019-0627-08
COMMISSION ON TEACHER CREDENTIALING
Qualified Individuals with Disabilities
This action by the Commission on Teacher Creden-
tialing (Commission) establishes a process for evaluat-
ing reasonable accommodation requests by applicants
applying for a credential.

Title 5
ADOPT: 80002.1
Filed 08/08/2019
Effective 10/01/2019
Agency Contact: Tammy Duggan (916) 323-5354

File# 2019-0625-01
 DEPARTMENT OF PUBLIC HEALTH
 Source Material Distribution and General License

In this rulemaking action, the Department aligns the state's regulations of source materials (uranium and thorium) with the federal regulations. The amendments and adoptions affect the sections related to general licenses, specific licenses, and exemptions to the licensing requirements. The amendments and adoptions also affect reporting and record keeping requirements.

Title 17
 ADOPT: 30201, 30302, 30302.1
 AMEND: 30181, 30191, 30192.6, 30293
 Filed 08/07/2019
 Effective 10/01/2019
 Agency Contact: Dawn Basciano (916) 440-7367

File# 2019-0627-01
 FISH AND GAME COMMISSION
 Change of Mailing Address

This action without regulatory effect updates agency contact information.

Title 14
 AMEND: 147, 165, 165.5, 227, 235, 240, 600.4, 662, 665, 696
 Filed 08/08/2019
 Effective 08/08/2019
 Agency Contact: Jon Snellstrom (916) 654-9868

File# 2019-0627-02
 FISH AND GAME COMMISSION
 Statutory Changes to Citations

This change without regulatory effect by the Fish and Game Commission amends regulations to update "authority" and "reference" citations.

Title 14
 AMEND: 1.04, 1.08, 1.11, 1.14, 1.17, 1.19, 1.20, 1.23, 1.24, 1.26, 1.29, 1.32, 1.35, 1.38, 1.39, 1.41, 1.42, 1.44, 1.45, 1.46, 1.47, 1.49, 1.54, 1.56, 1.57, 1.59, 1.61, 1.62, 1.63, 1.65, 1.67, 1.68, 1.70, 1.71, 1.72, 1.73, 1.75, 1.76, 1.77, 1.80, 1.84, 1.86, 1.91, 1.92, 1.93, 2.00, 2.06, 2.08, 2.09, 2.10, 2.11, 2.12, 2.15, 2.20, 2.30, 2.35, 2.40, 2.45, 3.00, 4.00, 4.05, 4.10, 4.15, 4.20, 4.25, 4.30, 5.10, 5.15, 5.25, 5.26, 5.37, 5.45, 5.50, 5.51, 5.65, 5.70, 5.75, 5.79, 5.80, 5.81, 5.82, 5.83, 5.85, 5.86, 5.87, 5.90, 5.91, 5.93, 5.95, 6.31, 6.32, 6.33, 6.34, 6.35, 6.36, 6.37, 8.01, 8.10, 8.20, 27.00, 27.05, 27.10, 27.15, 27.51, 27.56, 27.70, 27.75, 27.85, 27.91, 27.92, 27.95, 28.00, 28.05, 28.06, 28.10, 28.12, 28.15, 28.25, 28.26, 28.28, 28.29, 28.30, 28.32, 28.35, 28.37, 28.38, 28.40, 28.41, 28.42, 28.45, 28.48, 28.50, 28.54, 28.56, 28.58, 28.59, 28.65, 28.70, 28.75, 28.80,

28.85, 28.90, 28.91, 28.95, 29.00, 29.05, 29.10, 29.16, 29.17, 29.20, 29.25, 29.30, 29.35, 29.40, 29.55, 29.60, 29.65, 29.70, 29.71, 29.85, 29.86, 29.87, 29.88, 29.91, 231, 250, 250.1, 250.5, 251, 251.1, 251.3, 251.5, 251.7, 251.8, 251.9, 252, 255, 257, 257.5, 258, 260, 260.1, 260.2, 260.3, 260.4, 260.5, 262, 307, 308, 309, 311, 311.6, 311.7, 313, 350, 351, 353, 365, 366, 367.5, 368, 401, 460, 461, 462, 463, 464, 465, 465.5, 466, 467, 475, 478, 506, 600.4, 601, 625, 670, 674, 677, 700, 701, 706, 707, 708.1, 708.2, 708.3, 708.4, 708.6, 708.7, 708.8, 708.9, 708.10, 708.11, 708.12, 708.13, 708.14, 708.15, 708.16, 708.17, 708.18, 713, 721, 749 and 749.1

Filed 08/08/2019
 Agency Contact: Jon Snellstrom (916) 654-9868

File# 2019-0628-01
 FISH AND GAME COMMISSION
 Klamath River Basin Sport Fishing

In this regular rulemaking, the Fish and Game Commission is changing Klamath River Basin sport fishing regulations for the upcoming season.

Title 14
 AMEND: 7.50
 Filed 08/12/2019
 Effective 08/15/2019
 Agency Contact: Craig Castleton (916) 651-1329

File# 2019-0709-01
 OFFICE OF EMERGENCY SERVICES
 Removal of Title 26 Toxics Regulations

This action by the Governor's Office of Emergency Services removes regulations contained in title 26 of the California Code of Regulations that are duplicative or outdated versions of regulations contained in title 19.

Title 26
 REPEAL: 19-2510, 19-2520, 19-2530, 19-2540, 19-2550
 Filed 08/13/2019
 Agency Contact: Jennifer Bollinger (916) 845-8815

**PRIOR REGULATORY
 DECISIONS AND CCR
 CHANGES FILED WITH THE
 SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume

published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit www.oal.ca.gov.